

MONTANA LEGISLATIVE HISTORY

Chapter 63 1989

Bill H 531 S _____

Original bill & history X c

H. Committee on STATE ADMINISTRATION S. Committee on STATE ADMINISTRATION

Hearing Date(s) 2/9 X c

~~EXEC~~ ACTION

_____ c

_____ c

_____ c

Date Out _____ c

Hearing Date(s) 2/28 X c

~~EXEC~~ ACTION

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

HOUSE FINAL STATUS

BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES &
CONSERVATION

2/01 INTRODUCED
 2/02 REFERRED TO APPROPRIATIONS
 3/03 HEARING
 3/20 COMMITTEE REPORT--BILL PASSED AS AMENDED
 3/22 2ND READING PASSED 77 13
 3/23 3RD READING PASSED 79 19

TRANSMITTED TO SENATE
 3/27 REFERRED TO FINANCE & CLAIMS
 4/06 HEARING
 4/06 COMMITTEE REPORT--BILL CONCURRED
 4/10 2ND READING CONCURRED 49 0
 4/12 3RD READING CONCURRED 47 1

RETURNED TO HOUSE
 4/18 SIGNED BY SPEAKER
 4/19 SIGNED BY PRESIDENT
 4/19 TRANSMITTED TO GOVERNOR
 4/24 SIGNED BY GOVERNOR
 CHAPTER NUMBER 626 EFFECTIVE DATE: 7/01/89

HB 527 INTRODUCED BY ZOOK, ET AL.
 PERMIT RELOCATION OF ELEMENTARY SCHOOL WITHIN A
 SCHOOL DISTRICT IF MORE CONVENIENT FOR
 MAJORITY OF PUPILS ATTENDING

2/01 INTRODUCED
 2/02 REFERRED TO EDUCATION & CULTURAL RESOURCES
 2/10 HEARING
 2/11 COMMITTEE REPORT--BILL PASSED
 2/14 2ND READING PASSED 80 3
 2/16 3RD READING PASSED 95 2

TRANSMITTED TO SENATE
 2/17 REFERRED TO EDUCATION & CULTURAL RESOURCES
 3/08 HEARING
 3/08 COMMITTEE REPORT--BILL CONCURRED
 3/09 2ND READING CONCURRED 49 0
 3/11 3RD READING CONCURRED 44 0

RETURNED TO HOUSE
 3/17 SIGNED BY SPEAKER
 3/18 SIGNED BY PRESIDENT
 3/18 TRANSMITTED TO GOVERNOR
 3/23 SIGNED BY GOVERNOR
 CHAPTER NUMBER 281 EFFECTIVE DATE: 3/23/89

HB 528 INTRODUCED BY BOHARSKI
 INCREASE LIMITS OF COVERAGE REQUIRED UNDER A MOTOR
 VEHICLE LIABILITY INSURANCE POLICY

2/01 INTRODUCED
 2/02 REFERRED TO JUDICIARY
 2/14 HEARING
 2/17 TABLED IN COMMITTEE

HB 529 INTRODUCED BY BOHARSKI

HOUSE FINAL STATUS

REQUIRE COORDINATION OF PROGRAMS UNDER TITLE II-A OF
FEDERAL JOB TRAINING PARTNERSHIP ACT WITH
OTHER PROGRAMS

2/01 INTRODUCED
 2/02 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 2/04 REREFERRED TO HUMAN SERVICES & AGING
 2/08 HEARING
 2/16 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/18 2ND READING PASSED AS AMENDED 94 1
 2/21 3RD READING PASSED 94 2

TRANSMITTED TO SENATE
 2/28 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 3/14 HEARING
 3/23 COMMITTEE REPORT--BILL CONCURRED
 3/29 2ND READING CONCURRED 26 19
 3/31 3RD READING FAILED 25 25
 (BILL RETURNED TO HOUSE)
 4/14 RECONSIDERED ACTION ON 3RD READING 38 7
 (SENATE REQUESTED RETURN OF BILL)
 (BILL RETURNED TO SENATE)
 4/17 2ND READING CONCURRED 48 1
 4/19 3RD READING CONCURRED 40 10

RETURNED TO HOUSE
 4/21 SIGNED BY SPEAKER
 4/26 SIGNED BY PRESIDENT
 4/27 TRANSMITTED TO GOVERNOR
 5/22 SIGNED BY GOVERNOR
 CHAPTER NUMBER 694
 EFFECTIVE DATE: 05/22/89 (S1-9, 11-13)
 EFFECTIVE DATE: 10/01/89 (S10)

HB 530 INTRODUCED BY MC DONOUGH, ET AL.
 APPROPRIATE MONEY TO EXTEND BY TELECOMMUNICATIONS
 THE UNIVERSITY OF MONTANA MASTER OF BUSINESS
 ADMINISTRATION PROGRAM TO BILLINGS

2/01 INTRODUCED
 2/02 REFERRED TO APPROPRIATIONS
 3/13 TABLED IN COMMITTEE

HB 531 INTRODUCED BY CLARK, ET AL.
 PERMIT REMARRIED SURVIVING SPOUSE TO RECEIVE
 BENEFITS UNDER HIGHWAY PATROL RETIREMENT
 SYSTEM

2/01 INTRODUCED
 2/02 REFERRED TO STATE ADMINISTRATION
 2/09 HEARING
 2/09 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/11 2ND READING PASSED 88 4
 2/14 3RD READING PASSED 86 11

TRANSMITTED TO SENATE
 2/15 REFERRED TO STATE ADMINISTRATION
 2/28 HEARING
 2/28 COMMITTEE REPORT--BILL CONCURRED
 3/02 2ND READING CONCURRED 47 0

HOUSE BILL NO. 531

INTRODUCED BY CLARK, GIACOMETTO, KEATING, THOMAS,
PATTERSON, ZOOK, HOFFMAN, O'CONNELL, BISHOP, BROOKE

IN THE HOUSE

FEBRUARY 1, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	SECOND READING, DO PASS.
FEBRUARY 13, 1989	ENGROSSING REPORT.
FEBRUARY 14, 1989	THIRD READING, PASSED. AYES, 86; NOES, 11.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 28, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 2, 1989	SECOND READING, CONCURRED IN.
MARCH 4, 1989	THIRD READING, CONCURRED IN. AYES, 45; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 4, 1989	RECEIVED FROM SENATE.
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SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. *531*

INTRODUCED BY

Thomas Patrick John Hoffmann (D) Van Ness Rocky
A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A SURVIVING
SPOUSE WHO HAS REMARRIED TO RECEIVE A SERVICE, DISABILITY,
OR SURVIVORSHIP ALLOWANCE UNDER THE MONTANA HIGHWAY
PATROLMEN'S RETIREMENT SYSTEM; AMENDING SECTION 19-6-505,
MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE
APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 19-6-505, MCA, is amended to read:

"19-6-505. Payment of retirement allowance. (1) The
department shall pay the service retirement allowance
provided for in 19-6-502 to the retired patrolman for the
remainder of his life.

(2) Upon the retired patrolman's death, the department
shall pay the retirement allowance to the patrolman's
surviving spouse, if there is one, for as long as the spouse
remains unmarried.

(3) (a) If upon the retired patrolman's death there is
no surviving spouse or if the spouse remarries or dies, the
department shall pay the retirement allowance as provided in
subsection (3)(c) to the retired patrolman's child, if there
is one, for as long as the child remains dependent as

defined in 19-6-101.

(b) If there is more than one dependent child, the
retirement allowance must be paid as provided in subsection
(3)(c) to the children collectively. When a child no
longer qualifies as dependent as defined in 19-6-101, the
pro rata payments to that child must cease and be made to
the remaining child or children until all the children are
no longer dependent.

(c) Payments to a dependent child must be made to the
child's appointed guardian for the child's use.

(4) If upon the retired patrolman's death there is no
surviving spouse or dependent child and if the member had
designated a beneficiary as provided in 19-6-602, the
department shall pay to the designated beneficiary an amount
equal to the retired patrolman's accumulated deductions less
any retirement benefits paid to the member before his death.

(5) If the retired patrolman did not designate a
beneficiary or if the beneficiary predeceased the retired
patrolman, the amount provided in subsection (4) must be
paid to the patrolman's estate."

NEW SECTION. **Section 2.** Extension of authority. Any
existing authority to make rules on the subject of the
provisions of [this act] is extended to the provisions of
[this act].

NEW SECTION. **Section 3.** Effective date. [This act] is

LC 1451/01

1 effective July 1, 1989.

2 NEW SECTION. **Section 4.** Retroactive applicability.

3 [This act] applies retroactively, within the meaning of
4 1-2-109, to surviving spouses who remarry on or after
5 January 1, 1989.

-End-

HOUSE FINAL STATUS

3/04 3RD READING CONCURRED 45 2
 RETURNED TO HOUSE
 3/07 SIGNED BY SPEAKER
 3/07 SIGNED BY PRESIDENT
 3/07 TRANSMITTED TO GOVERNOR
 3/11 SIGNED BY GOVERNOR
 CHAPTER NUMBER 63 EFFECTIVE DATE: 7/01/89

HB 532 INTRODUCED BY GOULD, ET AL.
 ESTABLISH A UNIFIED SUPPORTED EMPLOYMENT/EXTENDED
 SERVICES PROGRAM

2/01 INTRODUCED
 2/02 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 2/07 HEARING
 2/08 COMMITTEE REPORT--BILL PASSED
 2/11 2ND READING PASSED 92 0
 2/11 TAKEN FROM ENGROSSING
 2/11 REREFERRED TO APPROPRIATIONS
 3/01 HEARING
 3/13 TABLED IN COMMITTEE

HB 533 INTRODUCED BY DAVIS, ET AL.
 PERMIT CERTAIN DISABILITY RETIREMENTS TO BE
 CONVERTED TO SERVICE RETIREMENTS
 BY REQUEST OF DEPARTMENT OF ADMINISTRATION

2/01 INTRODUCED
 2/02 REFERRED TO STATE ADMINISTRATION
 2/03 FISCAL NOTE REQUESTED
 2/09 HEARING
 2/09 FISCAL NOTE RECEIVED
 2/09 COMMITTEE REPORT--BILL PASSED
 2/10 FISCAL NOTE PRINTED
 2/11 2ND READING PASSED 92 0
 2/14 3RD READING PASSED 97 0

TRANSMITTED TO SENATE
 2/15 REFERRED TO STATE ADMINISTRATION
 3/03 HEARING
 3/03 COMMITTEE REPORT--BILL CONCURRED
 3/04 2ND READING CONCURRED 47 0
 3/07 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 3/13 SIGNED BY SPEAKER
 3/14 SIGNED BY PRESIDENT
 3/14 TRANSMITTED TO GOVERNOR
 3/18 SIGNED BY GOVERNOR
 CHAPTER NUMBER 138 EFFECTIVE DATE: 3/18/89

HB 534 INTRODUCED BY SWYSGOOD
 AMEND INTERSTATE COMPACT ON JUVENILES

2/02 INTRODUCED
 2/02 REFERRED TO JUDICIARY
 2/14 HEARING
 2/14 COMMITTEE REPORT--BILL PASSED
 2/18 2ND READING PASSED 95 0

HOUSE FINAL STATUS

2/21 3RD READING PASSED 96 1
 TRANSMITTED TO SENATE
 2/28 REFERRED TO JUDICIARY
 3/20 HEARING
 3/20 COMMITTEE REPORT--BILL CONCURRED
 3/21 2ND READING CONCURRED 49 0
 3/23 3RD READING CONCURRED 49 0

RETURNED TO HOUSE
 3/29 SIGNED BY SPEAKER
 3/29 SIGNED BY PRESIDENT
 3/30 TRANSMITTED TO GOVERNOR
 4/04 SIGNED BY GOVERNOR
 CHAPTER NUMBER 436 EFFECTIVE DATE: 10/01/89

HB 535 INTRODUCED BY BROWN, J., ET AL.
 REVISE MEDICARE SUPPLEMENTAL INSURANCE

2/02 INTRODUCED
 2/02 REFERRED TO APPROPRIATIONS
 2/06 REREFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
 2/13 HEARING
 2/14 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/18 2ND READING PASSED 98 0
 2/20 TAKEN FROM ENGROSSING
 2/20 REREFERRED TO APPROPRIATIONS
 3/01 HEARING
 3/18 COMMITTEE REPORT--BILL PASSED
 3/20 2ND READING PASSED 95 1
 3/22 3RD READING PASSED 93 4

TRANSMITTED TO SENATE
 3/22 REFERRED TO FINANCE & CLAIMS
 4/10 HEARING
 4/13 COMMITTEE REPORT--BILL CONCURRED
 4/14 2ND READING CONCURRED 50 0
 4/17 3RD READING CONCURRED 49 0

RETURNED TO HOUSE
 4/21 SIGNED BY SPEAKER
 4/26 SIGNED BY PRESIDENT
 4/27 TRANSMITTED TO GOVERNOR
 5/16 SIGNED BY GOVERNOR
 CHAPTER NUMBER 682
 EFFECTIVE DATE: 05/16/89 (S11, 16)
 EFFECTIVE DATE: 07/01/89 (S10)
 EFFECTIVE DATE: 10/01/89 (S1-9, 12-15)

HB 536 INTRODUCED BY BROWN, J., ET AL.
 REQUIRE PRELICENSING EDUCATION FOR INSURANCE AGENTS

2/02 INTRODUCED
 2/02 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
 2/04 FISCAL NOTE REQUESTED
 2/08 FISCAL NOTE RECEIVED
 2/09 FISCAL NOTE PRINTED
 2/10 HEARING
 2/18 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/20 2ND READING PASSED AS AMENDED 94 2

and nobody reads them. It costs \$90 to \$100,000 and they don't know where it is going to come from. He said he is concerned about where the money could be found and feels that the state cannot afford it right now. CHAIRMAN BROWN said that the bill will have to go to the Appropriations Committee, too.

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED 14 - 4, with Reps. DeBruycker, Whalen, Roth and Phillips voting no.

HEARING ON 531

Presentation and Opening Statement by Sponsor: Rep. Robert Clark, House District 31, introduced the bill. Under current law, a spouse of a deceased retired highway patrol officer may not collect the officer's service, disability or survivorship retirement allowance if the spouse remarries. This bill permits the spouse to continue to receive the allowance if the spouse chooses to remarry.

Rep. Clark said that this bill was brought about as a result of a unique situation. In Miles City, an officer is terminally ill with cancer. He is 41 years old; his spouse is 38. We would like to change this law, deleting the language "as long as a spouse remains unmarried." A highway patrol officer's profession is unique as their spouses put up with just about the same things we put up with for our whole career: the "call outs" at all hours of the night; getting home late for meals; getting home hours after their shifts have ended and missing holidays. We feel as a result of the many years that they put up with all of this, that they should not be cut off of benefits that they are entitled to because a highway patrol officer is not there and they chose to remarry. If a widowed spouse chooses not to remarry but to live with someone without the benefit of marriage, because of the language in the bill, they can continue to draw retirement forever. As soon as they legally "take the plunge," they receive no more benefits.

Testifying Proponents and Who They Represent:

Larry Nachtsheim, Administrator, Public Employees' Retirement Division

Howard W. Gipe, self

Tom Schneider, Montana Highway Patrolmen

Edward Flies, Montana State Council of Professional Firefighters

Proponent Testimony:

LARRY NACHTSHEIM said that the Public Employees' Retirement Division supports HB 531. He said that similar provisions are found in the police and firefighters systems. The bill has no actuary cost to the system. The actuary has taken into consideration that the spouses would not marry in order to qualify for the benefits. Mr. Nachtsheim said that he has talked to both the Police Officers' and the Firefighters' Association and they would like to be included in the bill to amend the same sections (Exhibit 1) in their acts to put the remarriage issue aside.

HOWARD GIPE said he spent 25 years in the highway patrol. Now he is a county commissioner in Flathead County. He supports the bill and feels that the real hero of the highway patrol is the home. The wife at home has raised their children and taken care of the home. The highway patrol runs the highways of Montana. He believes she deserves the same as the highway patrolman does upon his death whether she remarries or not.

TOM SCHNEIDER, representing the Montana Highway Patrolmen themselves, supported the bill. He said the key to the bill is actuarially it doesn't cost any money. There is no reason not to make the change. We would support the amendments to make a similar change in the other systems.

EDWARD L. FLIES, representing the Montana State Council of Professional Firefighters, said that they stand in support of the bill and the amendment.

Testifying Opponents and Who They Represent: None

Questions From Committee Members:

REP. ROTH asked that since the bill is retroactive are there any people that will qualify for this. If so, wouldn't there be a lump sum payment to be made? Mr. Nachtsheim said he did not know of anyone. The bill was written for a specific individual.

REP. PHILLIPS asked if this same provision was in the public employees' statute. Mr. Nachtsheim said that there are only three systems where there is a statutory beneficiary. The Public Employees' Retirement System is a nominated beneficiary system; members may elect their beneficiary. This is not the case for the police officers, the firefighters and the highway patrol. The laws says who their beneficiaries are: first the wife, and then the children.

REP. GERVAIS said that in the federal retirement system if the husband dies, and the wife remarries, she gets a cash settlement. He asked if the individual that this is going

to affect would rather have that option. Mr. Nachtsheim said there are varying methods that can be put in place as the result of a death. In most cases when we payout lump-sum settlements, it is not as good a benefit as if it were paid out over someone's lifetime.

Closing by Sponsor: Rep. Clark said that he requested a fiscal note on this because he thought that one might be necessary. Larry Nachtsheim has stated there is not a cost with this, and that is probably the reason you have not received one. The effective date on the bill is July 1, 1989. We asked for a retroactive date to January 1, 1989. The reason for that was for Officer Bishop's benefit. He said he is sure that this will not have any affect on the bill as he is sure that Diane Bishop is not going to be interested in remarrying before July 1. He asked for the Committee's support to pass the bill.

DISPOSITION OF HB 531

Motion: Rep. Squires moved HB 531 DO PASS.

Amendments, Discussion, and Votes: Rep. Squires moved the amendments proposed by Larry Nachtsheim. Rep. Westlake said he did not understand the amendments. Lois Menzies said the amendments involve two sections of law, one from the Firefighters' Unified Retirement System and the other from the Municipal Police Officers' Retirement System. The amendments remove the re-marriage penalty under these two systems.

The motion CARRIED unanimously.

Recommendation and Vote: Rep. Squires moved HB 531 AS AMENDED DO PASS. The motion CARRIED unanimously.

HEARING ON HB 488

Presentation and Opening Statement by Sponsor: Rep. Vivian Brooke of House District 56, Missoula, introduced the bill. Currently, a candidate may not withdraw from a primary or general election any later than 75 days before the election. The Secretary of State must certify the ballot for a primary election not more than 75 days and not less than 65 days before the date of a primary election and certify the ballot for a general election 75 days or more before the election. This bill provides that a candidate may not withdraw any later than 85 days before the election. The bill also amends the deadlines for replacing a candidate when a vacancy occurs because a candidate withdraws or dies.

Rep. Brooke presented amendments (Exhibit 2). She said the bill came to her attention when her opponent in last year's

DAILY ROLL CALL
STATE ADMINISTRATION COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date February 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	✓		
Rep. Helen O'Connell, Vice Ch.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Ervin Davis	✓		
Rep. Floyd "Bob" Gervais	✓		
Rep. Janet Moore	✓		X
Rep. Angela Russell	✓		
Rep. Carolyn Squires	✓		
Rep. Vernon Westlake	✓		
Rep. Timothy Whalen	✓		
Rep. Bud Campbell	✓		
Rep. Duane Compton	✓		
Rep. Roger DeBruycker	✓		
Rep. Harriet Hayne	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Rande Roth	✓		
Rep. Wilbur Spring, Jr.	✓		

STANDING COMMITTEE REPORT

February 9, 1989

Page 1 of 3

Mr. Speaker: We, the committee on State Administration report that HOUSE BILL 531 (first reading copy -- white) do pass as amended .

Signed: Jan Brown
Jan Brown, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "PATROLMEN'S"

Insert: ", MUNICIPAL POLICE OFFICERS', AND FIREFIGHTERS UNIFIED"

Strike: "SYSTEM"

Insert: "SYSTEMS"

Strike: "SECTION"

Insert: "SECTIONS"

Following: ", "

Insert: "19-9-804, 19-13-704, 19-13-901, AND 19-13-902,"

2. Page 2.

Following: line 20

Insert: "Section 2. Section 19-9-804, MCA, is amended to read:

"19-9-804. Amount of service retirement allowance -- continuation of allowance after death of member. (1) A police officer who is eligible under subsection (1) or (2) of 19-9-801 and does not elect to serve any additional years as an active police officer shall receive a service retirement allowance equal to one-half his final average salary.

(2) A police officer who is eligible for service retirement after 20 years of service and who elects to serve additional years shall receive the allowance provided for in subsection (1) plus an additional 1% of such allowance per year of additional service, up to a maximum of 60% of the final average salary.

(3) Upon the death of a police officer receiving a service retirement allowance under this section, his surviving spouse, if there is one, shall, ~~for as long as the spouse remains unmarried,~~ receive from the fund a sum equal to one-half of the officer's final average salary. If the officer leaves one or more dependent children, then upon his

death, if he leaves no surviving spouse or upon the death ~~or remarriage~~ of the surviving spouse, the officer's surviving dependent child, or children collectively if there are more than one, shall receive the same monthly payments a surviving spouse would receive for as long as the child or one of the children remains dependent as defined in 19-9-104. The payments must be made to the child's appointed guardian for the child's use. If there is more than one dependent child, upon each child no longer qualifying as dependent under 19-9-104, the pro rata payments to that child must cease and be made to the remaining children until all the children are no longer dependent."

Section 3. Section 19-13-704, MCA, is amended to read:

"19-13-704. Amount of retirement allowance. (1) (a) A member hired before July 1, 1981, who is eligible under 19-13-701 and who elects to retire after completing 20 years of service and reaching age 50 as an active firefighter shall receive a service retirement allowance equal to one-half the monthly compensation last received by the member for his service as an active firefighter. A member who completes more than 20 years of service shall receive an additional 1% of his final monthly compensation for each year in excess of 20, up to a maximum of 60% of the monthly compensation last received by the member.

(b) A member hired before July 1, 1981, who is eligible under 19-13-701 and who elects to retire after completing 10 years or more of service but has not both completed 20 years of service and reached age 50 as an active firefighter shall receive a service retirement allowance equal to 2% of the monthly compensation last received by the member for each year of service up to a maximum of 60% of his final monthly salary.

(i) If the member dies after he is permanently separated from service and before he both reaches age 50 and completes 20 years of service as an active firefighter, the allowance prescribed in subsection (1) (b) must be made to the surviving spouse beginning on the date the firefighter would have both reached his 50th birthday and completed 20 years of service as an active firefighter and terminating upon the surviving spouse's death ~~or remarriage~~. If there is no surviving spouse or if the surviving spouse dies ~~or remarries~~ and if the firefighter leaves one or more dependent children, the children are entitled to receive the allowance as long as they remain dependent as defined in 19-13-104.

(ii) If the firefighter dies after he both reaches age 50 and completes 20 years of service as an active firefighter, the payments must be made to the surviving

spouse or children as provided in subsection (1)(b)(i).

(2) A member hired on or after July 1, 1981, who is eligible under 19-13-701 shall receive a service retirement allowance equal to 2% of his final average salary for each year of service up to a maximum of 30 years of service."

Section 4. Section 19-13-901, MCA, is amended to read:

"19-13-901. Payment of service or disability allowance upon death of member. A member's service or disability allowance shall be paid first to the member during his lifetime and, upon his death, to his surviving spouse ~~as long as such spouse remains unmarried~~. If upon a member's death he leaves no surviving spouse, or upon the death ~~or remarriage~~ of a surviving spouse, his allowance shall be paid to his dependent children as long as they remain dependent as defined in 19-13-104."

Section 5. Section 19-13-902, MCA, is amended to read:

"19-13-902. Survivorship allowance. (1) (a) Upon the death before retirement of an active member hired before July 1, 1981, his surviving spouse, if there is one, shall, ~~as long as such spouse remains unmarried~~, receive a survivorship allowance equal to one-half the monthly compensation last received by the member for his service as an active firefighter. If the member leaves one or more dependent children, then, upon his death if he leaves no surviving spouse or upon the death ~~or remarriage~~ of the surviving spouse, his dependent children shall collectively receive the same allowance that a surviving spouse would have received as long as the children remain dependent as defined in 19-13-104.

(b) If the deceased member completed over 20 years of service, the survivorship allowance provided in subsection (1)(a) must be increased at a rate of 1% for each year in excess of 20, up to a maximum of 60% of the monthly compensation last received by the member.

(2) Upon the death before retirement of a member hired on or after July 1, 1981, his surviving spouse, if there is one, shall, ~~as long as such spouse remains unmarried~~, receive a survivorship allowance equal to one-half of the member's final average salary. If the firefighter leaves one or more dependent children, then, upon his death if he leaves no surviving spouse or upon the death ~~or remarriage~~ of the surviving spouse, his dependent children shall collectively receive the same allowance that a surviving spouse would have received, as long as the children remain dependent as defined in 19-13-104."

Renumber: subsequent sections

PROPOSED AMENDMENTS TO

HB 531

EXHIBIT 1
DATE 2-09-89
HB 531
123

Page 1, Title

Line 7, after "...RETIREMENT SYSTEM" insert:
"MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, AND THE
FIREFIGHTERS' UNIFIED RETIREMENT SYSTEM"; and
after "SECTION" insert "S"

Line 8, at the beginning of the line insert: "19-9-804, 19-
13-704, 19-13-901, AND 19-13-902"

Page 2,

Line 21, after "Section 2." insert:

**19-9-804. Amount of service retirement allowance — continua-
tion of allowance after death of member.** (1) A police officer who is eligi-
ble under subsection (1) or (2) of 19-9-801 and does not elect to serve any
additional years as an active police officer shall receive a service retirement
allowance equal to one-half his final average salary.

(2) A police officer who is eligible for service retirement after 20 years of
service and who elects to serve additional years shall receive the allowance
provided for in subsection (1) plus an additional 1% of such allowance per
year of additional service, up to a maximum of 60% of the final average
salary.

(3) Upon the death of a police officer receiving a service retirement allow-
ance under this section, his surviving spouse, if there is one, shall, ~~for as long
as the spouse remains unmarried,~~ receive from the fund a sum equal to one-
half of the officer's final average salary. If the officer leaves one or more
dependent children, then upon his death, if he leaves no surviving spouse or
upon the death ~~or remarriage~~ of the surviving spouse, the officer's surviving
dependent child, or children collectively if there are more than one, shall
receive the same monthly payments a surviving spouse would receive for as
long as the child or one of the children remains dependent as defined in
19-9-104. The payments must be made to the child's appointed guardian for
the child's use. If there is more than one dependent child, upon each child
no longer qualifying as dependent under 19-9-104, the pro rata payments to
that child must cease and be made to the remaining children until all the chil-
dren are no longer dependent.

NEW SECTION. Section 3.

19-13-704. Amount of retirement allowance. (1) (a) A member hired
before July 1, 1981, who is eligible under 19-13-701 and who elects to retire
after completing 20 years of service and reaching age 50 as an active fire-
fighter shall receive a service retirement allowance equal to one-half the
monthly compensation last received by the member for his service as an
active firefighter. A member who completes more than 20 years of service
shall receive an additional 1% of his final monthly compensation for each
year in excess of 20, up to a maximum of 60% of the monthly compensation
last received by the member.

(b) A member hired before July 1, 1981, who is eligible under 19-13-701
and who elects to retire after completing 10 years or more of service but has
not both completed 20 years of service and reached age 50 as an active fire-
fighter shall receive a service retirement allowance equal to 2% of the

monthly compensation last received by the member for each year of service up to a maximum of 60% of his final monthly salary.

(i) If the member dies after he is permanently separated from service and before he both reaches age 50 and completes 20 years of service as an active firefighter, the allowance prescribed in subsection (1)(b) must be made to the surviving spouse beginning on the date the firefighter would have both reached his 50th birthday and completed 20 years of service as an active firefighter and terminating upon the surviving spouse's death ~~or remarriage~~. If there is no surviving spouse or if the surviving spouse dies ~~or remarries~~ and if the firefighter leaves one or more dependent children, the children are entitled to receive the allowance as long as they remain dependent as defined in 19-13-104.

(ii) If the firefighter dies after he both reaches age 50 and completes 20 years of service as an active firefighter, the payments must be made to the surviving spouse or children as provided in subsection (1)(b)(i).

(2) A member hired on or after July 1, 1981, who is eligible under 19-13-701 shall receive a service retirement allowance equal to 2% of his final average salary for each year of service up to a maximum of 30 years of service.

NEW SECTION. SECTION 4

19-13-901. Payment of service or disability allowance upon death of member. A member's service or disability allowance shall be paid first to the member during his lifetime and, upon his death, to his surviving spouse ~~as long as such spouse remains unmarried~~. If upon a member's death he leaves no surviving spouse, or upon the death ~~or remarriage~~ of a surviving spouse, his allowance shall be paid to his dependent children as long as they remain dependent as defined in 19-13-104.

NEW SECTION. SECTION 5

19-13-902. Survivorship allowance. (1) (a) Upon the death before retirement of an active member hired before July 1, 1981, his surviving spouse, if there is one, shall ~~as long as such spouse remains unmarried~~, receive a survivorship allowance equal to one-half the monthly compensation

last received by the member for his service as an active firefighter. If the member leaves one or more dependent children, then, upon his death if he leaves no surviving spouse or upon the death ~~or remarriage~~ of the surviving spouse, his dependent children shall collectively receive the same allowance that a surviving spouse would have received as long as the children remain dependent as defined in 19-13-104.

(b) If the deceased member completed over 20 years of service, the survivorship allowance provided in subsection (1)(a) must be increased at a rate of 1% for each year in excess of 20, up to a maximum of 60% of the monthly compensation last received by the member.

(2) Upon the death before retirement of a member hired on or after July 1, 1981, his surviving spouse, if there is one, shall ~~as long as such spouse remains unmarried~~, receive a survivorship allowance equal to one-half of the member's final average salary. If the firefighter leaves one or more dependent children, then, upon his death if he leaves no surviving spouse or upon the death ~~or remarriage~~ of the surviving spouse, his dependent children shall collectively receive the same allowance that a surviving spouse would have received, as long as the children remain dependent as defined in 19-13-104.

Page 2, Line 21, insert "NEW SECTION. Section 6." before "Extension of authority."

Page 2 Line 25, Strike "3" and insert "7"

Page 3 Line 2, Strike "4" and insert "8"

EXHIBIT

DATE 2-09-89

HB 531

3013

VISITORS' REGISTER
STATE ADMINISTRATION COMMITTEE

BILL NO. HB 531

DATE February 9, 1989

SPONSOR REP. CLARK

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Howard W. Gipe</i>		✓	
<i>Tom Schneider</i>	<i>MPEA</i>	✓	
<i>Tim BERGSTROM</i>	<i>MT STATE FIREMENS ASSOC</i>	✓	
<i>Edward L. Fiers</i>	<i>MT State Council of Political Fi. Fgl.</i>	✓	
<i>Larry Nash</i>	<i>PERD</i>	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Closing by Sponsor:

Representative Nelson indicated Senator Blaylock has agreed to carry this bill, if the committee votes in favor.

DISPOSITION OF HB 314

Discussion:

Senator Hofman offered a motion that HB314 be concurred in. Senator Bengtson indicated she thinks this bill is okay, that they are buying their way in, paying the combined contribution, and that they have clarified the provisions regarding substitute teachers.

Recommendation and Vote:

Motion passed by the committee that HB314 be concurred in.

HEARING ON HB 531

Presentation and Opening Statement by Sponsor:

Representative Robert Clark indicated he was asked to carry HB531 by some members of the Highway Patrol as the result of a situation which developed in the Miles City area within the last year.

He reported that Larry Nachtsheim of PERS asked if they would amend the bill to allow the municipal police officers and fire fighters retirement systems to come on to this bill. Representative Clark stated Mr. Nachtsheim stressed to the House committee that this bill does not cost any additional money, and indicated it is primarily deleting language throughout the bill, referring to line 22, Section 1, "for as long as the spouse remains unmarried", and the word "remarriage". Representative Clark stated they feel their spouses have put up with all of their call-outs, all of the times they come home late for dinner, working on holidays, and everything else that goes along with this, including the fact that maybe they will not come home from a shift someday, and indicated they think the wording regarding as long as the spouse remains unmarried in their retirement act is not treating them fair. He indicated that it amounts to, if a spouse remains single, or chooses to live with someone without the benefit of marriage, they would continue to draw the benefits but, as soon as they remarry, they are penalized for that, and lose the benefits.

He noted the benefits then revert to the children until they become of legal age, and that the reason there is no additional funds involved is because the money is there, and is going to be paid out anyway. He noted that leaving it with the spouse, even if the spouse did remarry, does not add any additional cost to this.

Representative Clark related the situation in Miles City, and reported there is a young officer there who is terminally ill, but is still hanging on, longer than he had been expected to. He indicated the officer's wife is 38 years old and, when he dies, if she does choose to remarry, which in all probability she will, she will be cut off from his benefits. He noted she has put up with, for 17 years, all of the things that go along with being the spouse of a highway patrol officer. He indicated the police officers and firemen have the same language in their retirement act, and that no one seems to know why that language was put in there, that there does not seem to be any need for it. Representative Clark stated, for this reason, the PERS people do not have a problem with this change.

List of Testifying Proponents and What Group they Represent:

Howard Gipe, representing himself

Testimony:

Mr. Gipe indicated he would echo what Representative Clark has said, that the real heroes on the highway patrol has always been the women who stayed home, kept the house, and raised the kids, not knowing whether their husband would return after a shift, or not, and, when he didn't return on late shifts, laid awake many days and evenings just wondering what happened to him. He asked for the committee's support of this bill, indicating he can see no reason to penalize the widows of the highway patrol, noting he would second what Representative Clark said, and would appreciate the committee's support on HB531.

Questions From Committee Members:

- Q. Senator Rapp-Svrcek indicated he is not against the concept in this bill, but asked Representative Clark about his statement that there would be no increased costs. He indicated that, if the spouse remarries, Representative Clark said the benefits will go to the children until they are 18, asking him if that is correct.

SENATE COMMITTEE ON STATE ADMINISTRATION

February 28, 1989

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- A. Representative Clark responded that is correct, adding that is age 22 or 23, if they are going to college.
- Q. Senator Rapp-Svrcek stated that, if we allow the benefits to continue, even if the spouse remarries, it is conceivable that it would cost more because those benefits will continue for the lifetime of the person. He then asked if this was brought up in the House, at all.
- A. Representative Clark responded that question was asked of Larry Nachtsheim, in the committee in the House, who responded that the program is actuaried out based on the spouse not remarrying, and drawing the benefits forever.
- Q. Chairman Farrell asked if Mr. Nachtsheim is saying that the money will be there, and the program is actuarial sound for 40 years; if that is the way they are figuring it.
- A. Representative Clark responded that is correct.
- Q. Chairman Farrell then indicated that, if that money is not paid out, it will be actuarially sound in 38 or 36 years; it would be decreasing.
- A. Representative Clark responded he believes that is correct.
- Q. Chairman Farrell asked Representative Clark if the highway patrol system is at 22 or 24 years.
- A. Representative Clark responded he does not know.
- Q. Senator Bengtson indicated she just noticed it has a retroactive applicability date.
- Senator Harding pointed out it is only to January 1, 1989. Chairman Farrell asked Representative Clark if that is to cover the case in Miles City.
- A. Representative Clark responded that is correct, indicating that officer was not expected to live until the 1st of February, but he is still alive at this point. He noted it is now really immaterial, but that it was put in for that reason.

SENATE COMMITTEE ON STATE ADMINISTRATION

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- Q. Senator Hofman asked, if the spouse would be covered anyway, until she remarries, why did they need to make it retroactive.
- A. Representative Clark responded they asked if it could be done that way, just so he would know.

Closing by Sponsor:

Representative Clark asked the committee to concur in this bill.

DISPOSITION OF HB 531

Discussion:

Senator Harding offered a motion that HB531 be concurred in. Senator Hofman indicated he has a problem with the bill, indicating it does not seem right to him. He stated that he is perfectly willing to cover this woman until the day she dies, if she does not remarry but that, when she remarries, she starts a whole new life. Senator Bengtson indicated that, in other retirement programs, or pensions, if the woman remarries, she loses her benefits. Senator Vaughn pointed out they have Social Security. Senator Hofman noted the children are covered, and it does not create a hardship. Senator Bengtson noted the money is there. Senator Harding stated she thinks that, in this situation, as brought out by the highway patrolmen, this woman is entitled to that, regardless of what happens, adding she thinks it is a good bill. Senator Anderson commented that, if there are children, it is probably justified, indicating that one of the speakers commented that, in some instances, the woman would not remarry if she would lose her benefits, but may live in, and he feels it has some merit. Senator Abrams indicated, if this bill passes, and the woman remarries, she gets the benefits and the children get zilch.

Chairman Farrell indicated the children are covered until they are 18, or 22, if they are in college. Senator Abrams stated, the way it is, that is if she remarries or dies. He asked, if this bill passes, and she gets the benefits, what about the children. Senator Rasmussen indicated there is only so many benefits, that it either funnels to the mother or the children, and it is not doubled. Senator Bengtson stated that is her responsibility. Senator Abrams stated that is where the problem comes in. Senator Hofman noted, if she remarries, the children do not get any benefits. Senator Rasmussen stated,

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as the law is now, if she remarries, the money apparently goes right to the kids, adding that, if they are minors, it will go indirectly to the mother, who is taking care of the kids. Senator Vaughn pointed out the payments to the dependent child must be made to the child's appointed guardian, either the mother or other guardian. Senator Rasmussen indicated this law changes it so it will go directly to the mother, instead of the kids. Senator Vaughn stated the only difference is that the benefit that goes to the child only goes until they are 18, or 22 if they are in college, but the spouse would receive the benefit until her death, noting she still is responsible for the children, but only until they are of age.

Recommendation and Vote:

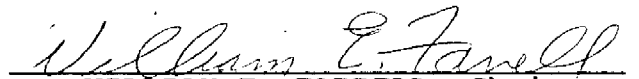
Motion passed by the committee that HB531 be concurred in, with Senator Hofman opposed.

OTHER BUSINESS

There was discussion regarding the committee's schedule, and Chairman Farrell announced the committee will review the appointment of K. L. Cool, from South Dakota, as director of the Department of Fish, Wildlife and Parks on March 16.

ADJOURNMENT

Adjournment At: 11:10 a.m.


WILLIAM E. FARRELL, Chairman

WEF/mhu
HB114.228

ROLL CALL

STATE ADMINISTRATION COMMITTEE

51ST LEGISLATIVE SESSION

DATE:

February 28, 1989

NAME	PRESENT	ABSENT	EXCUSED
HUBERT ABRAMS	✓		
JOHN ANDERSON, JR.	✓		
ESTHER BENGTON	✓		
WILLIAM E. FARRELL	✓		
ETHEL HARDING	✓		
SAM HOFMAN	✓		
PAUL RAPP-SVRCEK	✓		
TOM RASMUSSEN	✓		
ELEANOR VAUGHN	✓		

SENATE STANDING COMMITTEE REPORT

February 28, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 531 (third reading copy -- blue), respectfully report that HB 531 be concurred in.

Sponsor: Clark (Bishop)

BE CONCURRED IN

Signed: Farrell
William E. Farrell, Chairman

41.0.8189
312
1.44.07

serhb531.228

STATE ADMINISTRATION COMMITTEE

February 28, 1989

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY